

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

ROY N. GILES,

Plaintiff,

v.

**COMMISSIONER, SOCIAL SECURITY
ADMINISTRATION,**

Defendant.

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CASE NO. 6:15-CV-00890-RC-JDL

**ORDER ADOPTING REPORT AND RECOMMENDATION OF
UNITED STATES MAGISTRATE JUDGE**

On October 7, 2015, Plaintiff initiated this civil action pursuant to Social Security Act, Section 205(g) for judicial review of the Commissioner’s denial of Plaintiff’s application for Social Security benefits. Doc. No. 1. The case was referred to United States Magistrate Judge John D. Love pursuant to 28 U.S.C. § 636. On April 6, 2017, the Magistrate Judge issued a Report and Recommendation confirming that the decision of the Commissioner should be affirmed and the action be dismissed with prejudice. Doc. No. 18 (“R&R”). Plaintiff has filed objections to the Report and Recommendation. Doc. No. 19 (“Obj.”).

Plaintiff objects that the Magistrate Judge “erred in finding that the ALJ correctly applied the applicable legal standards in assessing Mr. Giles’s credibility, residual functional capacity (“RFC”), and ability to perform work, and in finding that substantial evidence supports those assessments.” Obj. at 1. Plaintiff then recites the standards for federal court review of an ALJ’s decision. *Id.* at 1–2; *see also* R&R at 2–4. Plaintiff further objects that the “Magistrate Judge erred in finding that the ALJ correctly applied the legal standards for weighing the medical evidence and in finding that substantial evidence supports the ALJ’s weighing of the medical

evidence.” Obj. at 2. Plaintiff argues that the medical record contains eighteen medical record exhibits, but the ALJ gave weight to only the State Agency Medical Consultants and personnel. *Id.* at 2. Plaintiff, however, does not refer to the Magistrate Judge’s findings in relevant detail in the substance of her objections. *See generally* Obj. Nor does Plaintiff provide any specific arguments explaining how the Magistrate Judge erred in his findings. *Id.*

Regardless, Plaintiff’s general objections are unavailing. The Magistrate Judge thoroughly reviewed the ALJ’s credibility assessment and found that the ALJ properly considered all the relevant factors, including medical records of Plaintiff’s treatment, his daily activities, his non-compliance with medical treatment, state agency medical expert opinions, and Plaintiff’s testimony during the hearing, in rendering his credibility findings. R&R at 9–11. Therefore, the Magistrate Judge did not err in finding the ALJ’s credibility findings to be supported by substantial evidence.

Likewise, the Magistrate Judge properly found that the ALJ’s RFC finding is supported by substantial evidence. *Id.* at 10–11. The Magistrate Judge stated that while the ALJ may not have accounted for every single medical record in the voluminous transcript, there was no evidence that such failure prejudiced Plaintiff. *Id.* at 12. Importantly, the Magistrate Judge noted that the ALJ adequately explained the reasoning, appropriately weighed the evidence, and incorporated limitations into the RFC assessment that were more supported by the record. *Id.*

Finally, the Magistrate Judge concluded that the ALJ properly relied on the testimony of a vocational expert and found that Plaintiff is capable of successful adjustment to other work that exists in significant numbers in the national economy, given Plaintiff’s age, education, work experience, and RFC. *Id.* at 13–14. The Court finds no error in the Magistrate Judge’s findings.

Therefore, the Court hereby adopts the findings and conclusions of the Magistrate Judge as the findings and conclusions of the Court. It is accordingly **ORDERED** that the decision of the Commissioner is **AFFIRMED** and the complaint is hereby **DISMISSED WITH PREJUDICE**. It is further **ORDERED** that any motion not previously ruled on is **DENIED**.

So ORDERED and SIGNED this 4th day of May, 2017.

A handwritten signature in cursive script, appearing to read "Ron Clark", written in black ink.

Ron Clark, United States District Judge